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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,103	03/30/2001	Cary Lee Bates	RAL920010007US1	9182
47052	7590	06/15/2005	EXAMINER	
SAWYER LAW GROUP LLP PO BOX 51418 PALO ALTO, CA 94303			HERNANDEZ, OLGA	
			ART UNIT	PAPER NUMBER

2144

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/822,103

Applicant(s)

BATES ET AL.

Examiner

Olga Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21,23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/30/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11, 12, 15, 16, 19, 20, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urahashi (6,009,374) in view of applicant's background of the invention (AAPA), and further in view of Shuler et al (6,442,467).

As per claim 1, Urahashi discloses:

- obtaining positioning data using a GPS (abstract);
- monitoring the automatic transmission to obtain transmission data (column 4, lines 29-33);
- learning whether performance of the automatic transmission is improved utilizing the positioning data and the transmission data (column 11, lines 33-36).

Urahashi does not teach determining the performance of the transmission when a particular load on the automatic transmission system increases by a particular amount

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within a particular time. However, Shuler teaches it in column 1, lines 22-30. Neither, Urahashi nor Shuler teaches adjusting a shift threshold for the automatic transmission for the positioning data if it is determined before that the performance of the automatic transmission is improved. However, AAPA teaches it in page 2. Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to save a fuel consumption, suppress a vehicular compartment noise and vehicular vibration, purify an exhaust gas of the vehicle and reduce vehicular contaminations, various techniques which automatically adjust operating conditions of either or both of the automotive engine and associated power transmission during the vehicular running have been put into practice.

As per claim 15, Urahashi discloses adjusting the shift threshold each time it is determined that the performance can be improved (column 10, lines 36-60).

As per claim 16, it is inherent to have a storage device to store information to be used for the system.

As per claim 18, Urahashi discloses monitoring the load of the transmission (column 11).

As per claim 19, Urahashi discloses determine the automatic transmission is to shift up or shift down and wherein the transmission adjust the shift level up if the load indicates that the transmission is to shift up and adjust the shift threshold down if the load indicates that the transmission is to shift down (column 10, line 36 through column 11, line 36).

As per claim 20, Urahashi discloses the GPS and transmission integrated (figure 2).

As per claim 21, Urahashi discloses a GPS navigation system (figure 1).

Claims 3, 5-10, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urahashi (6,009,374) in view of Tsukamoto et al (6,098,005).

As per claims 3, 5, 10, 13 and 13 Urahashi does not teach how to: determine whether a driving condition exists; determine a desires threshold for the automatic transmission base on the driving condition. However, Tsukamoto teaches it figure 1 and column 5, lines 35-46). Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to have a better independent system.

As per claim 6, it would have been obvious to one of ordinary skill in the art to store information regarding the position of the vehicle and the transmission data in order to work properly and

As per claim 7, it would have been obvious to one of ordinary skill in the art to remove information when it is not used in order to save space and money.

As per claim 8, it would have been obvious to one of ordinary skill in the art to monitor the load on the transmission in order to know what shit mode to select.

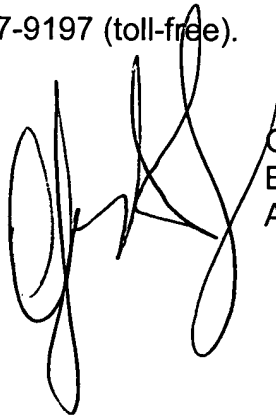
As per claim 9, the applicant is claiming basic functions of an automatic transmission.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is 571-272-7144. The examiner can normally be reached on Mon-Thu 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'OH' with a large loop, positioned to the left of the printed name.

Olga Hernandez  
Examiner  
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